

HOUSE BILL NO. 105

INTRODUCED BY D. HAINES

BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION, THE DEPARTMENT OF FISH, WILDLIFE,
AND PARKS, THE DEPARTMENT OF REVENUE, THE DEPARTMENT OF TRANSPORTATION, AND THE
STATE LIBRARY COMMISSION

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE FUNDING OF LOCAL AND STATE
GEOGRAPHIC DATA DEVELOPMENT PROJECTS; PROVIDING DEFINITIONS; CREATING THE
GEOGRAPHIC DATA DEVELOPMENT FUND; AUTHORIZING THE DEPARTMENT OF ADMINISTRATION
TO MAKE GRANTS AND LOANS FROM THE FUND; REQUIRING THE DEPARTMENT OF ADMINISTRATION
TO ADOPT RULES; PROVIDING ~~FOR A FUND TRANSFER AND~~ A STATUTORY APPROPRIATION;
AMENDING SECTION 17-7-502, MCA; AND PROVIDING EFFECTIVE DATES AND A TERMINATION DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Short title.** [Sections 1 through 7] may be cited as the "Montana
Geographic Data Development Fund Act".

NEW SECTION. **Section 2. Purposes.** The purposes of [sections 1 through 7] are to:

(1) provide a permanent, predictable, and stable source of funding for geographic information
system projects that will be partially funded by the fund created in [section 4] and partially funded by
federal, private, local agency, or state agency sources other than the fund;

(2) enable a local agency or a state agency to identify funding sources for a GIS project that,
because of project deadlines, precludes inclusion of the costs of the project in the local agency's or state
agency's regular budgeting schedule;

(3) further cost-effective use of GIS technology in Montana; and

(4) provide funding for GIS projects that result in the creation of GIS data.

NEW SECTION. **Section 3. Definitions.** As used in [sections 1 through 7], unless the context
requires otherwise, the following definitions apply:

(1) "Department" means the department of administration provided for in 2-15-1001.

(2) "Geographic data development fund" or "fund" means the fund established by [section 4].

(3) "Geographic information system" or "GIS" means a computer system for assembling, storing, manipulating, and displaying data that contains physical locations, consisting of geographic coordinates, of features and information about those features.

(4) "Local agency" means a county, a consolidated government, an incorporated city, or a town.

(5) "State agency" means an entity of the legislative, executive, or judicial branch of state government.

NEW SECTION. Section 4. Geographic data development fund created -- source of funding -- use of fund -- appropriation. (1) There is an account in the state special revenue fund established by 17-2-102 to be known as the geographic data development fund.

(2) There must be deposited in the account:

(a) money received from legislative allocations;

(b) PROCEEDS FROM BONDS RECEIVED FROM THE BOARD OF INVESTMENTS;

~~(b)(c)~~ a transfer of money from a federal, state, or local agency for the purposes of [sections 1 through 7];

~~(c)(d)~~ a gift, donation, grant, legacy, bequest, or devise made for the purposes of [sections 1 through 7];

~~(d)(e)~~ interest or other income earned on the money in the fund; and

~~(e)(f)~~ money repaid to the fund as a result of a loan made pursuant to [sections 1 through 7].

(3) The fund may be used only to provide funding to a local agency or a state agency for a GIS project approved by the department. ADMINISTRATION COSTS TO IMPLEMENT [SECTIONS 1 THROUGH 7] MUST BE REQUESTED IN THE GENERAL APPROPRIATIONS BILL.

(4) Money in the fund is statutorily appropriated, as provided in 17-7-502, to the department.

NEW SECTION. Section 5. Minimum capitalization for use of fund. The department may not make a grant or loan from the fund pursuant to [section 6] until there has been deposited in the fund, in addition to any money transferred into the fund from the state general fund, at least the following amounts from the following sources:

(1) \$25,000 from the United States, a state agency, or a local agency; and

(2) \$25,000 from a private, nongovernmental entity.

NEW SECTION. Section 6. Grants and loans authorized -- criteria for approval. (1) Except as provided in [section 5], the department may make grants and loans from the money in the fund created by [section 4] only to a local agency or a state agency for a GIS project approved by the department.

(2) The department shall use the following criteria in determining whether to approve a proposed GIS project for a grant or loan from the fund:

(a) for either a grant or loan, or both:

(i) the project creates GIS data associated with Montana;

(ii) the application for project funding from the fund meets application submittal requirements established by department rule; and

(iii) the governor has created a geographic information council and the project is recommended by the council;

(b) for a loan, the proposed project:

(i) provides matching funds from a source other than the fund on at least a 1-to-1 ratio of money from the fund to money from another source;

(ii) provides that the entity managing the approved GIS project will repay the loan with interest as determined by the department; and

(iii) identifies the method and schedule for repayment of the loan; and

(c) for a grant:

(i) the proposed project provides matching funds from a source other than the fund in a ratio determined by department rule; and

(ii) the grant is made entirely from accumulated interest or other income of the fund.

NEW SECTION. Section 7. Rulemaking. The department shall adopt rules necessary for implementing [sections 1 through 7]. The rules must include rules governing the procedure for applying for grants and loans from the fund, selection of GIS projects for approval, payment of grants and loans for approved GIS projects, and access to or availability of GIS data developed from an approved GIS project.

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2 **Section 8.** Section 17-7-502, MCA, is amended to read:

3 **"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory
4 appropriation is an appropriation made by permanent law that authorizes spending by a state agency
5 without the need for a biennial legislative appropriation or budget amendment.

6 (2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply
7 with both of the following provisions:

8 (a) The law containing the statutory authority must be listed in subsection (3).

9 (b) The law or portion of the law making a statutory appropriation must specifically state that a
10 statutory appropriation is made as provided in this section.

11 (3) The following laws are the only laws containing statutory appropriations: 2-17-105; section
12 4; 3-5-901; 5-13-403; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-111; 15-23-706;
13 15-31-702; 15-34-115; 15-35-108; 15-36-324; 15-37-117; 15-38-202; 15-65-121; 15-70-101;
14 16-1-404; 16-1-406; 16-1-411; 17-3-106; 17-3-212; 17-3-222; 17-6-101; 17-7-304; 18-11-112;
15 19-3-319; 19-6-709; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604;
16 20-8-107; 20-26-1503; 22-3-1004; 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631;
17 23-7-301; 23-7-402; 37-43-204; 37-51-501; 39-71-503; 42-2-105; 44-12-206; 44-13-102; 50-4-623;
18 53-6-703; 53-24-206; 67-3-205; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 77-1-505; 80-2-222;
19 80-4-416; 80-11-518; 81-5-111; 82-11-161; 87-1-513; 90-3-1003; 90-6-710; and 90-9-306.

20 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,
21 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued
22 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of
23 Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as
24 determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the
25 bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to
26 sec. 7, Ch. 567, L. 1991, the inclusion of 19-6-709 terminates upon death of last recipient eligible for
27 supplemental benefit; pursuant to Ch. 422, L. 1997, the inclusion of 15-1-111 terminates on July 1,
28 2008, which is the date that section is repealed; pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of
29 19-20-604 terminates when the amortization period for the teachers' retirement system's unfunded liability
30 is 10 years or less; pursuant to sec. 4, Ch. 497, L. 1999, the inclusion of 15-38-202 terminates July 1,

1 2014; and pursuant to sec. 10(2), Ch. 10, Sp. L. May 2000, the inclusion of 15-35-108 and 90-6-710
2 terminates June 30, 2005.)"

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4 ~~NEW SECTION. Section 9. Fund transfer. On July 1, 2001, there is transferred from the state~~
5 ~~general fund to the department of administration, for deposit in the fund created in [section 4], \$50,000~~
6 ~~for the administration of [sections 1 through 7], including the making of grants and loans from the fund.~~
7 ~~Any part of this fund transfer remaining unspent on June 30, 2003, remains in the fund.~~

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9 NEW SECTION. Section 9. Codification instruction. [Sections 1 through 7] are intended to be
10 codified as an integral part of Title 2, chapter 17, and the provisions of Title 2, chapter 17, apply to
11 [sections 1 through 7].

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13 NEW SECTION. Section 10. Effective dates. (1) Except as provided in subsection (2), [this act]
14 is effective July 1, 2001.

15 (2) [Sections 7 and 40 9 and this section] are effective on passage and approval.

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17 NEW SECTION. SECTION 11. TERMINATION. [THIS ACT] TERMINATES JULY 1, 2003.

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